



MEMO ENDORSED

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DATE FILED: 12/9/2020

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007-2601

JAMES E. JOHNSON
Corporation Counsel

KAMI Z. BARKER
Mobile: (646) 960-1103
kbarker@law.nyc.gov

December 8, 2020

BY ECF

Honorable Andrew L. Carter
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Malcolm, et. al. v. City of New York
20 Civ. 09641 (ALC)

Dear Judge Carter:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendant the City of New York in the above-referenced action. I write to respectfully request a sixty-day extension of time for the defendant to respond to the complaint ("Complaint"). This is defendant's first request for an extension of time. Plaintiff's counsel has consented to a thirty-day extension of time and indicated that he did not feel comfortable agreeing to a sixty-day extension of time. His reasoning as explained to the undersigned is that "the named plaintiffs and other individuals are reporting to work under dangerous conditions, working long hours, and are not being paid for their overtime."

While defendants understand plaintiffs' position, an extension of sixty days is necessary due to the complexity of this purported class action lawsuit, the number of individual plaintiffs, the length of the complaint, and the requisite amount of time needed to properly investigate plaintiffs' factual allegations and gather the relevant documents to prepare an appropriate response. Due to the pandemic and work-from-home measures, my client's best efforts to provide me with information and documents have been stymied, particularly within the Department of Corrections where plaintiffs are employed. Accordingly, defendant respectfully requests an extension of time from December 15, 2020 to February 15, 2021 to respond to the Complaint.

We thank the Court for its consideration of this request.

Respectfully submitted,

By: **ECF:** _____ /s/

Kami Z. Barker
Assistant Corporation Counsel

To: **Moser Law Firm, P.C.**

Paul Andrew Pagano
5 East Main Street
Huntington, NY 11743
917-589-1479
paul.pagano@gmail.com
(By ECF)

**The Court hereby GRANTS in part
and DENIES in part Defendant's
request for extension. The deadline to
answer the complaint is hereby
extended 45 days.**

Andrew L. Carter, Jr.

SO ORDERED:
HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: 12/9/2020